IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2675 OF 2006
IN
SUIT NO.2288 OF 2006

M/s. Housing Development Finance Corporation Ltd. ...Plaintiffs

V/s.

Prakash Balu Alav & Ors. ...Defendants

Mr. G.V. Murti, Advocate, i/b. Murti & Associates, for the Plaintiffs.

Ms. Neeta Solanki, Advocate, for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED ; 1ST SEPTEMBER, 2006.

P.C. :

. By consent the Notice of Motion is heard finally.

2. The Defendant's conduct before the Court is honest. The Defendants have agreed to hand over symbolic / formal possession of the suit flat to the Plaintiffs to show his bona fides of desiring to pay his dues as may be determined from the sale proceeds of the flat.

3. The Defendants are at liberty to get a

purchaser of the said flat and shall sell the same only after the consent of the Plaintiffs or pursuant to the permission of this Court.

4. The possession shall be handed over on or before 4th July, 2006. In the circumstances, no further ad-interim order.

5. It is stated that the builder is absconding. The Plaintiffs shall be entitled to remove the lock and place its own lock on the suit premises in the presence of the Defendants and in the presence of an officer of this Court to be appointed by the Prothonotary & Senior Master. The costs and charges of such officer shall be paid by the Plaintiffs.

6. Defendant No.1 was present in the Court. Defendant No.1 waives service of writ of summons.

7. Notice of Motion is accordingly disposed of.